

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ALFONSO WELLS, JR.

Plaintiff,

v.

Case No. 20-cv-1107-pp

SGT ANDERSON, SGT CLOPE,
SGT HESTHEAVEN, SGT MORRIS,
DEPUTY REED, DEPUTY HARRINGTON,
DEPUTY GREEN, CAPTAIN FRIEND,
SHERIFF CHRISTOPHER P. SCHMALING,
MEDICAL STAFF JULIE AND LEITECHA,
SGT GONZONLEZ and DEPUTY DONOVAN,

Defendants.

ORDER DISMISSING CASE

Plaintiff Alfonzo Wells, Jr., who is representing himself, filed a complaint under 42 U.S.C. §1983, alleging that the defendants violated his civil rights while he was in custody at the Racine County Jail. Dkt. No. 1. On September 13, 2021, the court issued an order screening the complaint and concluding that it failed to state a claim upon which relief could be granted. Dkt. No. 29 at 23. The court ordered that if the plaintiff wanted to proceed with the case, he could file an amended complaint in time for the court to receive it by the end of the day on October 8, 2021. Id. The court advised the plaintiff that if it did not receive an amended complaint by the end of the day on October 8, 2021, the court would dismiss this case based on the plaintiff's failure to state a claim in the original complaint and it would issue the plaintiff a "strike" as required by 28 U.S.C. §1915(g). Id. at 24.

The deadline to file the amended complaint has passed and the court has not received an amended complaint. The court notes that the plaintiff has three cases pending before the court: this one, filed on July 20, 2020; Wells v. Haske, Case No. 20-cv-1510, filed on September 29, 2020; and Wells v. Koski, et al., filed on October 8, 2020. In this case, the court last received a change-of-address notice on May 10, 2021, advising the court that the plaintiff had moved to 11001 S. Wentworth Avenue in Chicago. Dkt. No. 28. But more recently—on August 5, 2021—the court received another change-of-address notice from the plaintiff in Wells v. Koski, et al., Case No. 20-cv-1557, advising the court that the plaintiff had moved to 126 Ogden Street, Belvidere, IL 61008. Case No. 20-cv-1557 at Dkt. No. 28. Because that notice was more recent, the court changed the plaintiff’s address in all three cases to the Belvidere, Illinois address and that is where the court mailed the September 13, 2021 order in this case. That order has not been returned to the court as undeliverable.

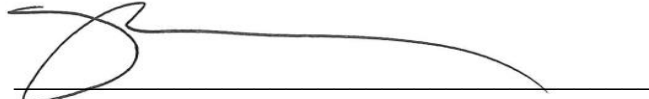
Because the original complaint failed to state a claim upon which this court could grant relief and because the plaintiff did not file an amended complaint by the deadline the court set in its September 13, 2021 order, the court will dismiss the case based on the plaintiff’s failure to state a claim in the original complaint and will issue the plaintiff a “strike” as required by 28 U.S.C. §1915(g).

The court **ORDERS** that this case is **DISMISSED** under 28 U.S.C. §§1915(e)(2)(B) and 1915A(b)(1) based on the plaintiff’s failure to state a claim in the original complaint. The clerk will enter judgment accordingly.

The Clerk of Court will document that the plaintiff has incurred a “strike” under 28 U.S.C. §1915(g).

Dated in Milwaukee, Wisconsin, this 10th day of November, 2021.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge